

REMARKS

The April 12, 2005 Office Action required restriction from among the following Groups:

- I. Claims 1-8 and 17, drawn to polypeptides, classified in class 424, subclass 248.1;
- II. Claim 14, drawn to method of diagnosis using polypeptide, classified in class 435, subclass 7.1;
- III. Claim 15, drawn to method of immunization using polypeptide, classified in class 424, subclass 9.1;
- IV. Claims 9-12 and 17, drawn to DNA, vector, transformed cell, classified in class 536, subclass 23.7;
- V. Claim 13, drawn to method of using DNA to make polypeptide, classified in class 424, subclass 93.2; and,
- VI. Claim 16, drawn to antibody, classified in class 424, subclass 139.1.

Applicants hereby elect, without prejudice, the claims of Group I, namely claims 1-8 and 17. In accordance with this election, the claim 17 has been amended herein to encompass only the elected invention. In addition, the claims have been amended herein to specifically claims the polypeptide RD1-ORF5. It is respectfully submitted that no new matter is added by the amendments herein. Applicants maintain the right to pursue the non-elected claims and polypeptides in subsequent divisional applications.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: 

Thomas J. Kowalski

Reg. No. 32,147

Angela M. Collison

Reg. No. 51,107

(212) 588-0800